IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JAIPUR BENCH, JAIPUR

S.B.CIVIL WRIT PETITION NO.4158/1996.

Radha Raman Verma Vs. State and Another.

31.08.2006.

HON'BLE MR.JUSTICE DALIP SINGH

Mr.Karan Pal Singh, for the petitioner.
Mr.Shyam Arya, for the respondents.

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The petitioner in this writ petition originally applied and got registration with the Rajasthan Housing Board for a house in MIG-B Category in the Hire-Purchase Scheme in the year 1979.

Thereafter, the petitioner converted the aforesaid allotment from Hire-Purchase Scheme to the Self Financing Scheme (SFS). The petitioner was, therefore, issued by the respondents, a demand note (Annexure-4) dated 27.06.1994 demanding a sum of Rs.1,55,742/- being the balance amount due from the petitioner for the purchase of the house in the Self Financing Scheme.

The petitioner in the meanwhile, changed his mind and wanted his allotment not in the Self Financing Scheme but in the Hire-Purchase Scheme. The aforesaid request was not accepted by the Board and hence, this writ petition.

The petitioner prayed that a direction may be issued to the respondents to allot the house No.71/77 in

Mansarovar Scheme in Hire-Purchase Scheme instead of Self Financing Scheme.

Learned counsel for the petitioner submitted that during the pendency of the writ petition, the petitioner on 23rd February, 2005 deposited the amount of Rs.1,55,742/- vide challan, copy of the receipt has been filed along with this writ petition before this court.

It is submitted that said amount was deposited by the petitioner in pursuance of the demand note (Annexure-4) for the Self Financing Scheme itself.

Learned counsel for the petitioner, now submits that the respondents may be directed to consider the case of the petitioner for waiver of interest or reduction of rate of interest and penalty, if any.

Learned counsel for the respondents submits that so far as the reduction of rate of interest and waiver of penalty, if any, is concerned, no such prayer has been made in the writ petition.

Having heard learned counsel for the parties and taking into account the subsequent developments which have taken place during the pendency of the writ petition and more particularly the fact that the petitioner during the pendency of this writ petition has deposited the amount of Rs.1,55,742/- as demanded under Annexure-4 dated 27.06.1994 with the respondent-Board vide receipt dated 23.02.2005. The petitioner would be free to apply

by submitting a representation to the respondents with respect to the prayer for reduction in the rate of interest and penalty, if any, and it is expected that the respondents would consider the said representation and decide the same expeditiously in accordance with law.

Subject to the aforesaid, this writ petition as well as the stay application, stand disposed of.

(DALIP SINGH),J.

Solanki DS, Jr.P.A.